



**THE CITY OF NEW YORK
LAW DEPARTMENT**

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December 23, 2021

BY ECF

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: Brian Harris v. City of New York, et al., 20 Civ. 10864 (LGS)

Your Honor:

I am a Senior Counsel in the New York City Law Department, attorney for defendants City of New York, Lieutenant Leon, Detective Swinkunas, Officer Jimenez, Lieutenant Lane, and Officer Baltzer in the above-referenced matter. I write pursuant to the Court's Order of December 22, 2021 setting a briefing schedule for defendants' summary judgment motion. I respectfully request an extension to February 25, 2022 to file defendants' motion. This is defendants' first request for an extension and plaintiff does not consent for the reasons set forth below.

The reason for this request is that I will be out of the office the week of December 27, 2021 on a previously scheduled vacation. Furthermore, I have a summary judgment motion due on January 7, 2022 in a matter pending in the Eastern District of New York, I am scheduled to begin trial before Your Honor on January 24, 2022 in the matter of George Benn v. City of New York, et al., 18 Civ. 722 (LGS), which involves six defendants and will require a significant amount of preparation, then I am scheduled to commence another trial on February 7, 2022 in the matter of Kenya Thomas, et al. v. City of New York, et al., 17 Civ. 8593 (JPO). I respectfully note for the Court's information that the parties completed all fact discovery on time. During the discovery period, defendants took two depositions (plaintiff and his wife), and plaintiff took six depositions (the five defendants and the Deputy Chief of Payroll at plaintiff's employer, the Department of Sanitation). Further, defendants produced nearly 350 pages of documents. The parties have been diligent about moving this case along. While I appreciate Mr. Lieb's concern regarding his schedule, the instant summary judgment motion will be very time consuming as the eight depositions will need to be reviewed and synthesized for the 56.1 statement. Given my anticipated workload between now and the middle of February, I respectfully request that the

Court grant an extension to file the summary judgment motion until February 25, 2022. If plaintiff also requires an extension to file his opposition, defendants will be happy to consent.

Plaintiff respectfully opposes the requested extension, as it would require all work on Plaintiff's opposition to occur while Ms. Kaufman will be on parental leave and in advance of a three-week trial scheduled for Mr. Lieb in April 2022. While understanding the other demands on Mr. Arko's schedule, Plaintiff believes that it would be reasonable to prepare this motion in the first week or so of January and that the principal effect (though certainly not the intent) of a scheduling change would be to shift scheduling inconvenience from one counsel to another.

I thank the Court for its consideration herein.

Respectfully submitted,

/s/ Christopher G. Arko

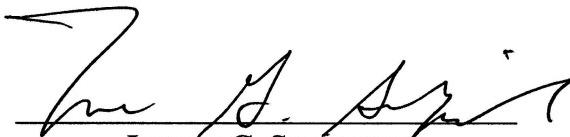
Christopher G. Arko

Senior Counsel

cc: Doug Lieb, Esq. (by ECF)
Alanna Kaufman, Esq. (by ECF)
Attorneys for Plaintiff

Application GRANTED. On **March 2, 2022**, Defendants shall file their motion for summary judgment, with a memorandum of law not to exceed twenty-five (25) pages. On **March 25, 2022**, shall file his opposition, not to exceed twenty-five (25) pages. On **April 4, 2022**, Defendants shall file any reply in support of their motion, not to exceed ten (10) pages. The Clerk of Court is respectfully directed to close the motion at Dkt. No. 55.

Dated: December 29, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE